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Federal Reporter, 540, appears to be rather novel. It is there held that goats placed on land for the sole purpose of destroying brush and weeds thereon and keeping down the grass are fixtures. This decision is, of course, based on the civil law, and in the opinion the court notes that in France it has been held that cows attached to dairy farms are fixtures or immovables.

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**Testamentary Capacity of Spiritualist.**—The Michigan Supreme Court in *O'Dell v. Goff*, 112 Northwestern Reporter, 736, holds that mere belief in spiritualism is not evidence of insanity, but, on the other hand, one who thinks so persistently on the subject as to become a monomaniac, incapable of reasoning, does not possess testamentary capacity; and, where a believer in spiritualism has such confidence in spiritualistic communications through mediums or otherwise that he is compelled to follow them blindly, his free agency is destroyed, and a will made under such circumstances cannot be admitted to probate, whether such conclusion be based on incapacity or undue influence. See note to *Wallen v. Wallen*, 13 Va. Law Reg. 539.

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**Animals—Injury to Dog—Actions.**—The right of the owner of a dog to maintain an action against one who wantonly and maliciously kills or injures it is sustained in *Columbus Railroad Co. v. Woolfolk* (Ga.), 10 L. R. A. (N. S.) 1136.

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**Arrest—Necessity for Warrant.**—A police officer is held, in *Klein v. Pollard* (Mich.) 10 L. R. A. (N. S.) 1008, to have no authority to arrest without warrant a woman who is walking quietly along the street after emerging from a disorderly saloon at midnight. See *Muscoe v. Com.*, 86 Va. 443.

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**Automobiles—Regulation—Class Legislation.**—A law regulating the use of automobiles alone, of all the vehicles which use the highway, is held, in *State v. Swagerty* (Mo.) 10 L. R. A. (N. S.) 601, not to be invalid special legislation.

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**Automobiles—Frightening Horses—Liability.**—One stopping an automobile in front of a corner store is held, in *House v. Cramer* (Iowa) 10 L. R. A. (N. S.) 655, not to be liable for the running away of a team hitched near the corner on a side street, although he permitted the explosions to continue after the machine stopped, if, after he saw that the team was frightened, he could not have stopped the noise in time to obviate the escape of the team.

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**Insolvent Banks—Constructive Trusts.**—Money received by an insolvent banker for the purchase of a draft which he knows to be

worthless is held, in *Whitcomb v. Carpenter* (Iowa) 10 L. R. A. (N. S.) 928, to be held by him in trust for its owner, who is entitled to priority over general creditors.

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**Attorneys—Depositing Client's Money.**—Money collected by an attorney for clients, and deposited in a bank in his own name as "Atty.," is held, in *Cunningham v. Bank of Nampa* (Idaho) 10 L. R. A. (N. S.) 706, to be recoverable for the use and benefit of the parties beneficially interested, in an action brought against the bank and an officer who attached the fund to secure an individual debt of the attorney.

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**Carriers of Passengers—Baggage.**—A railroad company is held, in *Bergstrom v. Chicago, R. I. & P. R. Co.* (Iowa) 10 L. R. A. (N. S.) 1119, to be bound by the acts of its baggageman in receiving as baggage articles not strictly such, where the owner has no notice of any limitation upon his authority.

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**Carriers of Live Stock.**—A common carrier of live stock, which provides stock yards at its station for the purpose of receiving stock for shipment, is held, in *St. Louis & S. F. R. Co. v. Beets* (Kan.) 10 L. R. A. (N. S.) 571, to be bound to keep the yards in a reasonably safe condition, and to be liable for injuries to stock resulting from a failure to do so.

A railway company carrying stock is held, in *Atchison, T. & S. F. R. Co. v. Allen* (Kan.) 10 L. R. A. (N. S.) 576, to be bound to keep its stock yards and their approaches and walks in a reasonably safe condition, not only for the stock placed in the yards, but also for persons who accompany the stock as care takers, and who, in the performance of their duties, may find it necessary to go into or through the yards.

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**Carriers of Goods—Refrigerator Cars.**—A carrier which undertakes to carry perishable commodities in refrigerator cars is held, in *C. C. Taft Co. v. American Express Co.* (Iowa) 10 L. R. A. (N. S.) 614, to be bound to provide a supply of ice ample for the purpose, not merely at the point of shipment, but at such places along the route as will reasonably insure a safe transit to the point of destination, notwithstanding damp weather and the delays ordinarily incident to railway traffic.

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**Carriers of Passengers—Negligence—Running into Open Switch.**—The mere fact that a passenger train runs into an open switch and collides with cars standing thereon is held, in *Southern R. Co. v. Lee* (Ky.) 10 L. R. A. (N. S.) 837, not to raise, in favor of an injured passenger, a presumption of gross negligence, which, without evidence will entitle him to punitive damages.